

Sylvester Shockley
SBI #00090135, W-1 Building
Delaware Correctional Center
1181 Paddock Road
Smyrna, Delaware 19977

**In The United States District Court
For The District of Delaware**

**Petition for Relief From a Conviction or Sentence By a Person in State Custody
(Petition Under 28 U.S.C. 2241 for a Writ of Habeas Corpus)**

ORIGINAL

**Sylvester Shockley
Petitioner,**

v.

**Stanley Taylor, Commissioner
Department of Corrections,
Thomas Carroll, Warden
Delaware Correctional Center
Carl Danberg, Acting Attorney
General, Department of Justice
State of Delaware,
Respondent**

06 - 211

Case No.: _____

Case Number (To be supplied by the
Clerk, U.S. District Court)

**PETITION FOR WRIT OF HABEAS CORPUS
UNDER TITLE 28 U.S.C. 2241**



PETITION

1. Name and Location of Court which imposed sentence:

Superior Court for the State of Delaware

2. Criminal Docket or Case Number (if known):

ID81003194DI

3. Date of Sentencing:

March, 1982

4. Length of Sentence:

Life With Parole

5. What was the Plea?

a) Not Guilty

☐

b) Guilty

☒

c) Nolo-Contendere

☐

6. If you were found guilty after a plea of not guilty, check whether that finding was made by:

(a) Jury: N/A

(b) Judge Only: _____

7. Did you appeal the judgment of conviction or the imposition of sentence? Yes

8. If you answered "Yes" to Item 7, list:

(a) The name of each court to which you appealed:

I. The Superior Court of the State of Delaware

II. The Supreme Court of the State of Delaware

III.

(b) The result in each court to which you appealed:

I. Dismissed

II. Affirmed the judgment of the Superior Court

III.

(c) The date of each such result:

I. May 6, 2005

II. August 24, 2005

III.

(d) If known, citations of written opinions or orders entered pursuant to such results:

I. See Attached Exhibits A-1 and A-2

II. See Attached Exhibits A-3 and A-4

III.

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully. Each ground for relief should be described separately, and each ground should include (1) a brief description of the legal principle(s) and (2) a concise statement of the relevant facts.

GROUND ONE:

The State violated Shockley's rights under the ex post facto clause of the United States Constitution.

SUPPORTING FACTS:

See Memorandum in Support of 2241 Petition for a Writ of Habeas Corpus of Sylvester Shockley, pages 1 through 9, attached hereto.

10. Did you raise Ground One in the appropriate State Court of Appeal?

Yes ☒ No ☐

11. Did you raise Ground One in any other petition, application or motion filed in the State Courts in the State where judgment was rendered?

Yes ☒ No ☐

12. If your answer is yes, give details including the grounds raised, the Court's decision, and date of said decision for each such petition, application or motion:

Filed a Petition in the State Superior Court January 14, 2005; it was dismissed on May 6, 2005.

Filed a Petition of Appeal to the State Supreme Court July 5, 2005. The State Supreme Court affirmed the Superior Court Judgment on August 24, 2005.

See attached Exhibits A-1, A-2, A-3 and A-4.

GROUND TWO:

Shockley's good time and merit credit has been ended or forfeited in violation of due process and equal protection of law under the Federal Constitution or Statutory law.

SUPPORTING FACTS:

See Memorandum in Support of 2241 Petition for A Writ of Habeas Corpus of Sylvester Shockley, pages 1 through 9, attached hereto.

- a. Did you raise Ground Two in the appropriate State Court of Appeal on direct appeal of your petition?

Yes ☒ No ☐

Did you raise Ground Two in any other petition, application or motion filed in the State Courts in the State where judgment was rendered?

Yes ☒ No ☐

b. If your answer is yes, give details, including the grounds raised, the Court's decision and date of said decision for each such petition, application or motion:

Filed a Petition in the State Superior Court January 14, 2005; it was dismissed on May 6, 2005.

Filed a Petition of Appeal to the State Supreme Court July 5, 2005. The State Supreme Court affirmed the Superior Court Judgment on August 24, 2005.

See attached Exhibits A-1, A-2, A-3 and A-4.

15. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

- (a) At preliminary hearing: No
- (b) At arraignment: No
- (c) At trial: N/A
- (d) At sentencing: No
- (e) On appeal: N/A
- (f) On any post-conviction: None
- (g) On appeal from any ruling against you in a post-conviction proceeding:
 None

16. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either State or Federal for the judgment you are challenging?

Yes ☐ No ☒

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging?

Yes ☐ No ☒

WHEREFORE, Petitioner prays that the Court will grant Petitioner relief to which he may be entitled in this proceeding.

Signed this 16th Day of March, 2006.


Signature of Petitioner

DECLARATION

I, Sylvester Shockley, declare under penalty of perjury that I have read and subscribe to the above and state that the information contained therein is true and correct to the best of my knowledge and that this Petition for a Writ of Habeas Corpus was placed in the prison mailing system on March 19, 2006

Executed on March 19, 2006 at Delaware Cor. Center
(Date) (Place)

Sylvester Shockley
Signature of Petitioner

CERTIFICATE OF SERVICE

I, Sylvester Shockley, hereby certify that I have served a true and correct copy(ies) of the attached: Writ of Habeas corpus upon the following parties/person(s):

TO: The Clerk of the TO: _____
United States District _____
Court for Delaware _____
844 King St, Room 18 _____
Wilmington, DE 19801 _____

TO: _____ TO: _____

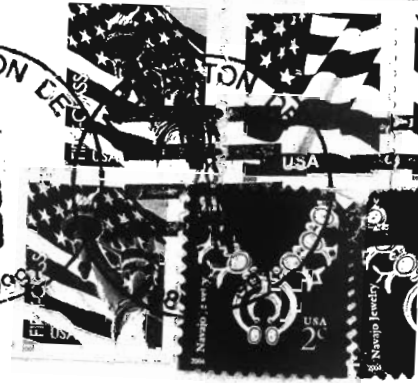
BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977

On this 19th day of March, 2006.

Sylvester Shockley

I/M Sylvester Shirley
SBI# 890135 UNIT W

DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



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